

REMARKS

The above amendment and these remarks are in response to the Office Action of 6 Aug 2003 by Examiner Firmin Backer.

Claims 1-26 are in the case, none as yet allowed.

Specification

Applicants have amended the specification to provide proper citation for the related patent applications and to correct various typing and grammatical errors without the addition of new matter.

35 U.S.C. 101

Claims 1-11 have been rejected under 35 U.S.C. 101 as directed to non-statutory subject matter.

Applicants have amended claim 1, and thereby claims 2-

11 which depend therefrom, to clarify that the invention is within the technological arts.

35 U.S.C. 102

Claims 1-26 have been rejected under 35 U.S.C. 102 over Felkey et al (U.S. PG Pub 2002/0161667).

Applicants traverse, and argue that the Examiner has not made the required prima facie case of anticipation, which requires that the Examiner provides

1. a single reference
2. that teaches or enables
3. each of the claimed elements (arranged as in the claim)
4. expressly or inherently
5. as interpreted by one of ordinary skill in the art.

With respect to the third element, it is not enough that the prior art reference disclose all the claimed elements in isolation. Rather, as stated by the Federal Circuit, the

prior art reference must disclose each element of the claimed invention "arranged as in the claim." The Examiner, further, must identify the elements of the claims of the application, determine their meaning in light of the specification and prosecution history, and identify the corresponding elements disclosed in the allegedly anticipating reference. [See *Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984)]. Further, anticipation will not be found when the prior art is lacking or missing a specific feature or structure of the claimed invention. [See *Continental Can Co. USA v. Monsanto Co.*, 20 USPQ 2d 1746, 1748 (Fed. Cir. 1991)].

In the instant case, there is in the Felkey reference no teaching of company groups, nor of controlling access to procurement resources based on a user's company group.

The Examiner's rejection of the claims recites the language of applicants' claims, and refers for all claim language to the same collection of figures and paragraphs in the Felkey reference without bridging from the claim language or concepts to the Felkey language or concepts. In this manner, the Examiner has not yet identified the

elements corresponding to, for example, company group in the Felkey reference. As well as applicants can determine, there is no teaching of company groups, which is specifically recited in each of applicants' independent claims.

SUMMARY AND CONCLUSION

Applicants urge that the above amendments be entered and the case passed to issue with claims 1-26.

If, in the opinion of the Examiner, a telephone conversation with applicant(s) attorney could possibly facilitate prosecution of the case, he may be reached at the number noted below.

Sincerely,

S. B. Cirulli, et al

By

A handwritten signature in cursive script, reading "Shelley M. Beckstrand". A line is drawn under the signature.

Shelley M. Beckstrand

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